(3)

SINGLE BENCH

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

**CHHATTISGARH**

WRIT PETITION NO. 3283 OF 2005

PETITIONER : Amolak Chand Kewalchand and
PLAINTIFF Brothers,Wholesale cloth Marchant, 38, New Cloth Market Raipur,Pandri, Tahsil and District Raipur. A registered partnership firm under the Indian Partnership Act through Shri Uttamchand s/o Amolakchand , aged about years , resident of 38 , Panchsheel Nagar, Raipur, Tahsil and District Raipur (CG).

P.R.No. 1623/05
Presented by Shri H.K. Shaw
dated 16 Dec 05

**VERSUS**

**RESPONDENTS: DEFENDANT S**

1. The Oriental Insurance Company Limited, Oriental House, Post Box no. 7037, A/25/27, Ashafali Road , New Delhi 110002.

Respondent's Counsel are not available
13/04/05

2. Lucky Bharat Garage Private Limited, Registered Office M.G.Road, Raipur, Tahsil and District Raipur (CG)., aged about 40 years

**WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE**

(43)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

मामला क्रमांक W.P.3283/ सन् 2005

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **27-7-2005**<br>Heard Mrs. Renu Kochar, counsel for the petitioner on admission.<br>The petitioner has preferred this writ petition under Article 227 of the Constitution of India, questioning the legality, correctness and propriety of order dated 26-11-2004, whereby the Civil Judge, Class-I, Raipur, has rejected the application of the petitioner under Order 17 Rule 1 of the C.P.C. on the ground that since 1992 up to 26-11-2004 i.e. for about 12 years the matter was fixed for plaintiff's evidence, and various dates given during this period to the plaintiff for evidence have been mentioned in this order.<br>The trial Court recorded that sufficient opportunity has already been granted to the petitioner for adducing evidence and even last opportunity was given to the petitioner, in spite of that he is not able to produce the evidence, therefore, his right to adduce evidence is closed.<br>I have perused copies of order sheets filed by learned counsel for the petitioner, which are from 8-4-2002 onwards. The order recorded by the trial Court cannot be said to be unjustified. In passing the said order, the trial Court has not committed any material irregularity or illegality, rather the matter was pending since last 12 years for the plaintiff's evidence and the plaintiff has not been able to bring the evidence and adduce evidence. On number of occasions the petitioner sought adjournment and filed application under Order 13 Rule 2 of the C.P.C., even that was allowed by the trial Court liberally. | |

(५५)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** W.P.3283/ **सन्** **200**5

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| Soma | Therefore, I do not find any justification to interfere with the trial Court's order. The writ petition is liable to be dismissed, it is accordingly, dismissed, at the admission stage itself. No order as to costs.<br>Consequently, M.(W.)P.No.2791/2005, I.A.Nos.6304/2005 and 6321/2005 stand disposed of.<br>**Sd/-**<br>**L.C. Bhadoo**<br>**Judge** | |

(पीछे देखिये)